

c) REMARKS

The claims are 1, 2 and 4-24 with claims 1, 4, 12, 20 and 23 being independent. Claims 1,4, 12, 20 and 23 were amended as supported at page 17, lines 2-11.

With regard to the double patenting rejection, the present claimed invention relates to a method of manufacturing a material having a structure in which a plurality of tube-like shapes comprising a surfactant formed on a substrate are aligned uniaxially and parallel on a substrate. In the present invention, the structure is formed by hydrolysis and condensation polymerization during the step of drying to remove solvents.

In contrast, Application Nos. 09/478,884 and 09/657,616 claim a process for manufacturing a structure by immersing a substrate in a solution before the step of drying. See claims 13-15 of Application No. 09/657,616 and claims 30-33 of Application No. 09/478,884. The drying step is thereafter conducted to evaporate unnecessary solvent and remove the surfactant. Therefore, the drying step is conducted not to assist in forming the material with the claimed channel structures, but merely to remove unneeded solvent and surfactant.

The objection to claims 1, 2, 4-8, 12-16 and 20-22 under 35 U.S.C. § 102(f) is not in order since the applications in issue are owned by the same assignee. In order to disqualify Application Nos. 09/478,884 and 09/657,616 under 35 U.S.C. §102(f)/103(a), (the Examiner has noted that the application claims merely "suggest" the instant claim features and do not strictly anticipate them), Applicant's attorney of record states:

"Instant Application No. 09/910,886 and Application Nos. 09/478,884 and 09/657,616, were, at the time the invention of Application No. 09/910,886 was made, owned by Canon Kabushiki Kaisha."

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Claims 1, 2, 4, 11, 12, 19 and 20-24 were rejected as anticipated by Bruinsma '299. Claims 5-11, 13-16 and 19 were rejected as obvious over Bruinsma '299 in view of Miyata or MacDougall '266 in view of Fuchs. The grounds of rejection are respectfully traversed.

The Examiner has indicated that Bruinsma '299 in column 9, lines 5-25 and column 2, lines 15-25, discloses "uniaxially aligned channel structure". However, this portion in Bruinsma describes "..... orientation of the c-axis parallel to the substrate surface". This merely means that a hole is aligned parallel to a substrate. Therefore, Bruinsma fails to disclose the element "uniaxially" aligned as in the present invention. Further, Bruinsma fails to disclose or suggest use of a substrate aligned so as to make a channel uniaxially aligned.

Therefore, it is not possible to make the material manufactured by the method of the present invention by using the techniques in Bruinsma. Accordingly, Bruinsma fails as an anticipation.

With regard to the obviousness rejection based on Bruinsma, the secondary references fail to teach that which is absent from Bruinsma. Miyata discloses that a material is manufactured in a solution. Accordingly, the material is not formed during drying. Therefore, the present invention is not made prima facie obvious by combining Miyata and Bruinsma. Further, Applicant believes that it is not possible to obtain the claimed structure during the drying step by combining the teachings of Miyata and Bruinsma.

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MacDougall discloses that a substrate is coated. However, this reference has no disclosure concerning formation of the structure during the drying step. Therefore, the present claimed invention is not rendered obvious by combining MacDougall and Bruinsma. Further, the Applicant believes that it is not possible to obtain the claimed structure during the drying step by combining MacDougall and Bruinsma.

The claims should be allowed and the case passed to issue.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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